

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : 20cr305 (DLC)  
:  
-v- :  
:  
ADRIAN ALFARO DIAZ, :  
Defendant. :  
:  
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DENISE COTE, District Judge:

By Order of June 22, 2020, this Court informed the parties that the defendant's initial appearance would occur in court, if that is possible, on July 16, and inquired whether the defendant consented to proceed remotely in the event it is not possible to proceed in court. On July 4, the defendant informed the Court that he agreed to participate remotely if an in-person conference is not possible, and filed a waiver of his right to be present in person. The defendant is incarcerated.

This Court finding that an in-person conference is not possible on July 16 on account of the ongoing COVID-19 pandemic, it is hereby

ORDERED that the conference scheduled for Thursday, July 16, 2020, is rescheduled to occur as a video/teleconference using the CourtCall platform on Tuesday, **July 14, 2020 at 11:00 a.m.** As requested, defense counsel will be given an opportunity to speak with the Defendant by telephone for fifteen minutes

before the sentencing proceeding begins (i.e., at **10:45 a.m.**); defense counsel should make sure to answer the telephone number that was previously provided to Chambers at that time. Chambers will provide counsel with a telephone number at which the interpreter can be reached at the time of the pre-conference; it is counsel's responsibility to conference the interpreter in with the Defendant for the pre-conference.

To optimize the quality of the video feed, the Court, the Defendant, and defense counsel will appear by video for the proceeding; all others will participate by telephone. Due to the limited capacity of the CourtCall system, only one counsel per party may participate. Co-counsel, members of the press, and the public may access the audio feed of the conference by calling **855-268-7844** and using access code **32091812#** and PIN **9921299#**.

In advance of the conference, Chambers will email the parties with further information on how to access the conference. Those participating by video will be provided a link to be pasted into their browser. **The link is non-transferrable and can be used by only one person;** further, it should be used **only** at the time of the conference because using it earlier could result in disruptions to other proceedings.

To optimize use of the CourtCall technology, all those participating by video should:

1. Use the most recent version of Firefox, Chrome, or Safari as the web browser. Do **not** use Internet Explorer.
2. Use hard-wired internet or WiFi. If using WiFi, the device should be positioned as close to the Wi-Fi router as possible to ensure a strong signal. (Weak signals may cause delays or dropped feeds.)
3. Minimize the number of others using the same WiFi router during the conference.

Further, all participants must identify themselves every time they speak, spell any proper names for the court reporter, and take care not to interrupt or speak over one another. Finally, all of those accessing the conference – whether in listen-only mode or otherwise – are reminded that recording or rebroadcasting of the proceeding is prohibited by law.

If CourtCall does not work well enough and the Court decides to transition to its teleconference line, counsel should call **888-363-4749** and use access code **4324948#**. (Members of the press and public may call the same number, but will not be permitted to speak during the conference.) In that event, and in accordance with the Court's Emergency Individual Rules and Practices in Light of COVID-19, available at [https://www.nysd.uscourts.gov/sites/default/files/practice\\_documents/DC%20Cote%20COVID-19%20Emergency%20Individual%20Practices%20-%20June%2030%2C%202020%20.pdf](https://www.nysd.uscourts.gov/sites/default/files/practice_documents/DC%20Cote%20COVID-19%20Emergency%20Individual%20Practices%20-%20June%2030%2C%202020%20.pdf), counsel should adhere to the following rules and guidelines during the hearing:

1. Each party should designate a single lawyer to speak on its behalf (including when noting the appearances of other counsel on the telephone).
2. Counsel should use a landline whenever possible, should use a headset instead of a speakerphone, and must mute themselves whenever they are not speaking to eliminate background noise. In addition, counsel should not use voice-activated systems that do not allow the user to know when someone else is trying to speak at the same time.
3. To facilitate an orderly teleconference and the creation of an accurate transcript, counsel are required to identify themselves every time they speak. Counsel should spell any proper names for the court reporter. Counsel should also take special care not to interrupt or speak over one another.
4. If there is a beep or chime indicating that a new caller has joined while counsel is speaking, counsel should pause to allow the Court to ascertain the identity of the new participant and confirm that the court reporter has not been dropped from the call.

Dated: New York, New York  
July 8, 2020

  
DENISE COTE

United States District Judge